THE COURTS.

The Lamar Cotton Claim Litigation.

The Union Pacific Railroad Suit.

THE COURT OF CLAIMS DECISION.

The Broadway Widening Again in Court.

INTERESTING WILL CASE.

Among the contested will cases in this city the Heresby will case has excited unusual interest. A paper claiming to be the will of the deceased. bearing date the 11th of July, 1874, has been offered for probate before Surrogate Hutchings, by James Loveridge and Coolidge Barnard, executors, and by Mary E. Noyes, the residuary legatee. The property at stake amounts to about \$150,000. The propate of this will is vigorously contested by the legatees of a previous will. H. G. De Forest appears for the proponent of the will, and Henry L. Chinton and D. R. Jaques appear as counsel for

On the 8th of February, 1875, Eliza Heresey, who was seventy-seven or seventy-eight years of age, died at No. 40 Chariton street, in this city. She had been known for a great many years as Mrs. Bliza Hall. The house in which she died had been owned by her for some twelve or fitteen years. She had been an invalid for a long time, and for a rear or two before her death had been scarcely this to leave her room. She had no children and no near relations. When she commenced living at No. 40 Chariton street she had an adopted daughter named Melissa, who was then about ten or twelve years of age. In 1869, Melissa married a roung man named James Turnbul. Some fifteen months afterward Mrs. Turnbul gave birth to son, and died two weeks afterward. year afterward the tulant son died. In 1869 Mrs. Heresey made a will, which was trawn for her by Quentin McAdam, a member of the Bar of this city. In this will she gave the use of the house No. 40 Charlton street to her adopted laughter-for life, and after her death to the Five Points House of Industry, in fee. She also gave to per cousin (or second cousin), Mary E. Noyes, \$3,000. After providing for small legacies she made the New York Orphan Asylum residuary legatee of the rest of her property. The executors were John H. Van Riper, a dry goods merchant of this city, and his son-in-law. Charles A. Jiauvelt. On the Sh o' November, 1870, her adopted daughter, Mrs. Turnbul, having died. Mrs. Here-

On the Sch of November, 1870, her adopted daughter, Mrs. Turnbul, having died. Mrs. Heresoy made another wist, which was drawn for her
by Mr. Moddem, in which, among other things,
sile gave Howard Turnbul, the inhant son of her
he dopted daughter Melissa, the interest on \$5,000
a year until he should attain the age of twentyone years, after which the principal sum was to
be paid to him. After providing for a number of
legacies, Mrs. Heresey's cousin, Sarah E. Noves,
and her daughter, Mary E. Noves, were made
residuary leganees. Mr. Van Riper and Mr. Blauweit were the executors.

In November, 1872, the Infant son of the adopted
daughter of Mrs. Heresey having died, she made a
third will, which was also drawn for her by Mr. Noves, alleasey of \$5,000, Mr. Van Riper the sum
of \$5,000 and Adelaide Holmes, who then kept
house for her at No. 40 Charlton street, \$5,000.
This will gave the house and furniture, No. 40
Charlton street, to Mrs. Blauvelt, the daughter of
Mrs. Heresey and the wife of Charles A. Blauvelt.
Mrs. Blauvelt from childhood had been an intimate
triend and companion of Melissa, the adopted
daughter of Mrs. Heresey. She stated that she
gave the house and hirriture to Mrs. Blauvelt out
of lespect to the memory of Medissa, to whom
she would have given them had she lived. By
tals will Mrs. Heresey age to Mary E. Noyes \$1,000
s year during her life. The residuary legatees
were St. Luke's Home for Indigent Curistian Fe-

this will Mrs. Heresev gave to Mary E. Noyes \$1.000 a year during her life. The residuary legatees were St. Luke's Home for Indigent Cristian Females and the Chidren's Aid Society. After this will was executed Mrs. Heresey proposed to Mr. and Mrs. Blauveit that they should keep house for her at No. 40 Charlton street. She insied upon this on the ground that she had done to muon for Mrs. Blauveit, having given her many presents, an having provided by ner will that she should become the absolute owner of the house and furniture upon her (sirs. Heresey's) death.

Mr. and Mrs. Blauveit accordingly moved to the house No. 40 Charlton street in April, 1873. Mrs. Blauveit's household duties were too much for her strength, and her health gave way, in consequence of which, in the following February, she strength, and her health gave way, in consequence of which, in the following February, she and her husband requested Mrs. Heresey to procure some one cibe to keep house for ber, to which the latter assented. Mr. and Mrs. Blauvelt left the house in April. 1874. Their cordial relations continued with Mrs. Beresey up to the time of her death. After the Blauvelts left James Loveridge, his wife and two daugnters moved to No. 46 Chartton street, and the procure of the strength of the continued with Mrs. Heresey. Mr. Loveridge is an togy shunan, who, as he testified, came to New York in 1846, the testified upon his cross-exam-Beresey up to the time of her death. After the Blauvelts left James L verlege, his wills and two daughters for Mrs. No. 19 No. 1

With a lineau of hers who was visiting her, she insisted that this friend should come there and take the pace and keep house for her. She said the consistances were frying to yet her money and she was airaid of them. Her rooms were in a state if great unchanness, she remose year after year to permit them to be cleaned. She removed her ned. She expressed great lenderness on the subject of ceabugs and considered them innoch that me to be despressed great lenderness on the subject of ceabugs; she considered them innoch that and harmless, on no more connequence than first. Many circumstances have been established by the cytichice of the contestants tending to show a state of testiminatory capacity and that the will was the result of funder infinence, overreaching was the result of the infinence, overreaching was increased.

for some considerable time. Great interest is felt in the result. The case has been progressing for several mouths before the Surrogate and is now going on from day

DECISIONS.

SUPREME COURT-GENERAL TERM. Among the decisions given by the Supreme Court, General Term, were the following :-On trial of the suit of Minnie Hauck against L. Harrison and S. N. Pike for preace of contract L. Harrison and S. N. Pike for oreach of contract with her for an operatic season, the plaintid set up that Pike was indorser of the contract, as security to her. The defence by Pike's executors aboved that Mr. Pike was not an indorser but a party to the contract, and a juror was withdrawn to ensole plaintid's coursel to smeat the pleadings. On appeal from this order the General Term, through judge Daniels, decided that the proof was Pike had made himself responsible, whether by indorsement or otherwise, and the withdrawal oil a juror was unnecessary. The case therefore goes to trial again on the old companion.

piaint.

The General Term. Judge Brady giving the opinion, decided in the case of The People ex rel. Hogan vs. Flynn, that the law giving clerks of the District Courts tenure of office after appointment independently of the will of the Judge during his term, does not apply to the Assistant Clerk, and that the latter comes under the general statute giving the appointing officer power of removal.

The Supreme Court, Chambers, atruck out as frivolous the answer of the city in the suit of S. P. Dinsmore, for advertising in The Stockholder, viz:—That plaintiff was never employed to puells the notices. The General Term, through Judge Brady, reverses the decision, holding that the appointment of the plaintiff was essential to the Scalam. General Term. Judge Brady giving the

the appointment of the plaintiff was essential to his claim.

A mesanger of the President of the Board of Aldermen, according to the decision of the Supreme Court in the case of Terence P. Smith vs. the city, is not an officer within the prohibition of the charter against the creation of new effices, and is therefore entitled to hay.

In the case of Daniel Fallon, who brought suit against the city for rental of the armory occupied by the Sixth regiment, and in which the Court below directed a verdict in his favor, the exceptions on the part of the delendant to be heard in the first instance in this Court, the Court in its decision—Judge Davis writing the opinion—bolds that the suit is not for arrears of rent within the meaning of the act of 1873. The Court also holds that the case should have been sent to the jury on the question of france, that the occupation of the promises by the Sixth regiment was not such a ratification of the lease, that the occupation of the promises by the Sixth regiment was not such a ratification of the lease as makes it obligatory on promises by the SINCA regiment was not such a ratification of the lease as makes it obligatory on the county or city, and that validity cannot be given to a lease void for want of authority to make it, or for irand in making it, because of the use of the premises by some regiment assigned to them. It is another question whether any, and what hability can grow out of such occupancy. Motion for a new trial is therefore granted.

COLLEGE OF VETERINARY SUR-GEONS.

The affairs of this college have been before the courts in various ways during the past six months. A division arose in the Board of Trustees with reserence to its management about a year ago. Edward Van Ranst, who was formerly a trustee, but removed over eleven years ago, commenced a suit to be reinstated, and, if successful, the effect would have been to change the control of the college from the majority to the minerity of the trustees. An injunction was granted in his favor, which was a few days ago, on appeal by the majority of the trustees, vacated. While the injunction was in force a meeting of the trustees was neld. Seven or the trustees, representing a legal majority. Voted to action while the President of the Board, one of the minority, declared the motion lost—counting the vote of Van Ranst, which made seven in favor of the minority, declared the motion lost—counting the vote of Van Ranst, which made seven in favor of the motion to seven against. The Vice President, a member of the opposition, declared, not whistanding, the motion carried, and his party thereupon put on their hars and left the room where the meeting was held. The other trustees remained and proceeded with the election of officers. The memoers of the Medical Faculty refused to act with the victors, and resigned in a body. A suit was subsequently brought to review the validity of this election, and the General Term of the Supreme Court rendered a decision on Friday last. Judge Brady, writing the opinion, says:—"at that meeting a motion was made to adjourn, and, excluding the vote of Van Ranst, it was carried, but by admitting his vote it was lost. He had no right to vote, as appears by the decision in his case just rendered, and all the subsequent proceedings on that day were illegal. The meeting had been adjourned. The defendant, Crawford, was renstated in the same manner that Van Ranst had been, and, according to tae decision in the Van Ranst case, aiready mentioned, he must be regarded as out of the Board of Trustees. The meeting of the 9th of December having been adjourned, as already stated, the attempt of those who remained to act was intitle." The effect of was granted in his favor, which was a few days meeting of the 9th of December having been adjourned, as already stated, the attempt of those who remained to act was intile." The effect of this decision is to render invalid all the proceedings of the trusters since the 9th of December. Messrs. Roe and Macklin appeared for plaintiffs, and Messrs. Arnoux and Mackae for the defendants.

ESSEX MARKET POLICE COURT. Before Judge Morgan.

THE PISTOL ON THE EAST SIDE. John Cowan, said to be an usher in the Bowery Theatre, residing at No. 141 Mulberry street, was arraigned on a charge of shooting Charles L. Roehm, of No. 32 avenue A, in the left breast, and he was held to await the result of the injuries. About two o'clock yesterday morning Cowan was entering the house No. 537 Fifth street, with a young lady named Mary Meegan, who resides at the above number. Bookm was lying on the stoop asieep, and apparently somewhat intoxicated, in endeavoring to pass over Rochm's body, which completely obstructed the entrance, the heel of Miss Meegan's boot struck his head, whereupon Hochm suddenly jumped up and commenced to use foul and abusive language toward Miss Meegan. Cowan then struck Boehm in the face and dochm immediately returned the blow. The two men lought until they reached the middle of the street, ween Cowan policy out a pistol and shot his aniought until they reached the middle of the street, when Cowan polled out a pistol and shot his antagonist. Officer Little arrested both Cowan and hiss bleegan. Beenm, who was lying in the middle of the street insensible, from loss of blood, was carried on a stretcher to the Firth street salton house and was thence removed to Bellevie Hospital, where he now lies in a very dangerous condition. It is thought the ball has penetrated the lung, and his recovery is coubting. When brought before Judge Morgan resterday morning hiss Meegan said she was standing on the stoop during the whole struggle between the two men, but did not hear the report of a pistol nor see any pistol. Judge Morgan port of a pistol nor see any pistol. Judge Morgan held her in \$500 ball to appear as a witness.

FIFTY-SEVENTH STREET COURT. Before Justice Kilbreth.

ARBEST OF A PICEPOCKET.

Officer Murrey, of the Central Park police, on Sunday caught a pickpocket at work among the crowd around the Arsenal. The thief, who gave the name of Edward Jones, was committed for

MURDEROUS RUM. During a brawl in an uptown groggery on Sunday night Neil Denehy, of Forty-fith street and Third avenue, stabbed in the neck Charles Higgins, of No. 523 West Forty-lourtn street. Denehy was held to await the result of Higgins' injuries, which

OUTRAGEOUS ASSAULT IN THE PARK. On Sunday evening a young woman named Liz-THE Presumery of No. 977 First avenue, Visited Central Park, in company with a male acquaintance named James Tickney. While there they were joined or a friend of Tickney, named Conils Redly. While passing through a lonesome path in the Eamble the scoundrels threw Lizzie to the ground and committed a Putal outrage upon her. Her screams brought the Park police to the spot, and the rudilans were arrested. Both were committed for trial.

COURT CALENDARS-THIS DAY.

Michael Hasset and Patrick Abearn, grand larceny; Same vs. William Oliver, grand larceny; Same vs. Oswald Edilots, grand larceny; Same vs. Margaret Ryan, grand larceny; Same vs. John Grogan, grand larceny; Same vs. John Huster, grand larceny; Same vs. Thomas Hunter, grand larceny; Same vs. Thomas Hunter, grand larceny; Same vs. Thomas Hunter, grand larceny; Same vs. Thomas McLartion, forgery; Same vs. John F. Pike; Same vs. John Møyers, grand larceny; Same vs. Charles Rieger, petit larceny; Same vs. James Margaret Finn, petit larceny; Same vs. James Marphy, assault and batter;; Same vs. Mary Henry, disorderly house.

BATTLING WITH BUTLER. THE LAMAR COTTON CLAIM LITIGATION-THE ESSEX STATESMAN SUED FOR TEN THOUSAND DOLLARS—PROCEEDINGS BEFORE JUDGE

BENEDICT. General Benjamin F. Butler was in the United States District Court in Brooklyn yesterday afternoon, to look after his interests in the suit of Jasper K. Herbert against him for \$10,000. The case has occasioned conside able comment among lawyers, owing to the peculiar nature of the transaction which caused the suit. The case was opened by John H. Bergen, counsel for the plaintiff, who ago retained Jasper K. Herbert, of New York, to prosecute his claim for \$590,000 for cotton wned by him, which was confiscated. After the close of the war, and after he had taken the oath of amnesty. Mr. Herbert brought the action against the government agents in the United States Circuit Court at Boston. General Benjamin F. Butler was employed, with Mr. Herbert, in the prosecution of the suit, which continued one week, and resulted in a pro forma verdict for the delendant, subject to review by the United States Supreme Court, where the case now stands for argument on a writ of error. While the case was on trial in Boston the Court of Claims-gave Lamar a judgment in another cotton case for over \$575,000, and the government appealed from the judgment. Mr. Lamar retained Mr. Herbert in that case to get the appeal dismissed, agreeing to pay him \$20,000 for his services. Herbert employed Butler to assist him in this case also. The appeal was dismissed and Lamar received his money.

General Butler received the \$20,000 agreed upon between Herbert and Lamar, and also \$5,000 for his services in the Boston suit. He then refused to pay Herbert any of this money, and the suit is brought to recover half of the \$20,000.

Jasper K. Herbert, the plaintiff, then testified that he emi loyed General Butler after the suit is brought to recover half of the \$20,000.

Jasper K. Herbert, the plaintiff, then testified that he emi loyed General Butler and reproduce the dismissal of an appeal from the decision of the Court of Claims; General Butler accepted a retainer and fold witness toget him a copy of the papers, but the case was not docketed; this was in the Court of Claims in Washington city; when witness brought him the record General Butler said:—"What shout lees?" witness fold him he could have \$5,000 or \$10,000 and that he (witness) had an agreement with Mr. Lamar; General Butler said:—"What shout lees?" witness to receive from Lamar was \$20,000; soon after this General Butler told him to "keep his hands off" and argued the motion to dismiss the appeal, which was granted on October 25, 1873; witness next heard of the case when he met General Butler in New York; they went to Washington together; Actorney General Williams had the appeal reinstated on the calendar, while Butler informed the witness, in April, 1874, that it was dismissed; witness and not get his fee; applied for it first to Lumar and then to General Butler in the bad paid Butler \$25,000, and he (Herbert) must get his money from him; when the witness asked General Butler received \$25,000. Mr. Bergen offered in evidence a check for that amount on Souter & Co., of No. 33 William street, New York, payable to General Butler. The check was signed by Lamar and indersed by General Butler that he was employed by Mr. Lamar to collect some claims for cotton, and desired Butler; assistance, which the latter per lid dim in Washington that he was employed by Mr. Lamar to collect some claims for cotton, and desired Butler; assistance, which the latter pranted; after the appeal was dismissed the upon between Herbert and Lamar, and also \$5,000 for his services in the Boston suit. He then

against witness.

The case was at this point adjourned till this morning at eleven o'cook, when the counsel will sum up and the case will be given to the jury.

UNITED STATES COURT, IN ADMI-RALTY.

SALVAGE MONEY RECOVERED-DECISION BY JUDGE BENEDICT.

Judge Benedict yesterday rendered a decision

in the suit of William Roberts vs. The Schooner J. E. Ridgeway. Action was brought to recover the sum of \$500 for towing the schooner from a pier on the East River, New York, out into the stream. one night last fall. It seems that the steamer River Belle, which was lying at the same pier, took fire and was destroyed. During the fire the mate asked the captain of the taggost to tow the vessel out into the middle of the river, and we would pay him \$500 for it. The work was performed, but when the bill was sent in the mate said that he had made no such agreement as that set forth. Judge Benedict said ne thought the mate was not teiling the truth, and that such an agreement was perfectly justifiable, as it was equivalent to salvage. The danger of destruction of the schooner was not imminent, nowever, as there were two steamers on the dock and the wooden sheds on the same side of the pier were saved. In consideration of tast fact the Court awarded the plaintiff \$100.

COURT OF APPEALS.

ALBANY, May 31, 1875. No. 48. Albert S. Galinp and others, respondents, vs. Samuel S. Lederer, appellant; passed. No. 50. Peter Phillips, respondent, vs. Joseph Gailout, appellant; argued by Nathaniel C. Moak, of counsel for appellant, and by S. Hand for respondent. No. 56. Harrison Judd, respondent, vs. William Seekins and others, appellants; submitted. No. 57.
The Pacific from Works, respondent, vs. The
Long island Company, appellant; argued by A. J.
Vanderpoel, of counsel for appellant, and by
Roger H. Lyoo, for respondent. No. 60. Noan
Wocaton, respondent, vs. James Fay, appellant;
argued by H. P. Downsend, of counsel for appellant, and by S. Hand for respondent.

Adjourned until to-morrow.

The following is the day calendar for the Court
of Appeals, for Tuesday, June 1:—Nos. 61, 62; 64,
18, 19, 20, 45, 53. 66. Harrison Judd, respondent, vs. William Seek-

THE UNION PACIFIC SUITS

DECISION OF THE COURT OF CLAIMS IN FAVOR OF THE COMPANY-THE CROSS-ACTION OF THE GOVERNMENT DISMISSED. WASHINGTON, May 31, 1875.

In the Court of Claims to-day Judge Nott delivered the opinion in the case of the Union Pacific Railroad Company vs. the United States. He

This case came before the Court in two distinct forms; first, in that of an action orought by the Union Pacific Railroad Company to recover one-half or certain freignt earnings withheld from it by the government; eccourt in that of a cross-action brought by the United States for recover, the back anterest which they have paid to third persons upon their bends, heretofore loaned to the company to sail it in the constraintion of its road, the company admits that the government had the right to withhold one-half of such anonexa as the road may care by the transportation of the mails and milliary and other supplies. The limited States is assisted that they might withhold all of these earnings and apply them in payment of their advances alreasy mails, or may mailtain their action for the interest on the instant it is paid to the holders of the bals. Briefly stated.

any, of the transportation moneys and five per cent should be paid to the company, there would be good

these services the company cannot withhold them. If it retues all employment the company cannot exact it. As

THE COMPACT ORIGINALLY STOOD
the government could keep down the interest without the expenditure of any ready money, by simply furnishing to the company the employment, and it might push this advantage to an un united extent, even to carrying the earnings of the road to the liquidation of the debt before it had manured. The subsequent statute which substituted a half for the whole of the earnings did not affect the legal imports of the government's reserved discretion nor change the legal relations of the parties, nor vary the construction applicable to the original statule. It was an alternative in degree and not in kind and still left the comoany in this matter of service entirely subject to the orders of the government. In the contemplation of the law the wrong and injury of which the government complains are entirely of its own choosing. Courts of law cannot be invoked to aid persons where they themselves pussess the means of redress. It an ordinary party were to come into another court with such a complain he would be told "either you have wriftlilly writheld this employment from the other contractor or you have been unable to furnish it to him." If the former supposition is the fact then the stult is your own, and you cannot service wrong to one whom you contess has always been willing to repay you in the manner which your arreament present of payment when you contend disappended of an observed in payment which your arreament in earlier is the fact then, because the sources of payment which your own. Your misortime is really this, that you made an improvident harroan.

Still 62, 31 and that the counier claim of the defendants the defendants are not medical to the defendants the defendants and on the defendants and on the defendants are not medical to the defendants and on the defendants are not medical to the defendants and on the defendants and on the defendants are really the defendants are not

be dismissed.

Note:—This counter claim of the government is that the defendants are not indebted to the claimant under the provisions of the act of July 1, 182, the act of July 12, 1864, or any other act of Congress or otherwise; and further, that the claimant is finished to the defendants in the sum of \$12,000,000 for the payment of interest on honds.

UNITED STATES SUPREME COURT. DECISION IN CASE GROWING OUT OF THE WIDENING OF BROADWAY, NEW YORK, FROM THIRTY-FOURTH TO FIFTY-NINTH STREET.

WASHINGTON, May 31, 1875. No. 156. Daniel Garrison, plaintiff in error, vs. The Mayor, Aldermen and Commonalty of the city of New York—In error to the Circuit Court of the Southern Dis-

ct of New York In May, 1869, the Legislature of the State of New York passed an act, entitled "An act to after the map or plan of the city of New York, and to carry the alterations into effect," providing for the widening and straightening of Broadway, in the city of New York, between Thirty-fourth and Fifty-ninth streets. It required the commissioners of the Central Park of the city, within our months after its passage, to lay out and establish the lines of the street, so as to widen and straighten it, and to cause certificates and maps of the location of the new lines to be filed in certain public offices of the city, and declared that such certificates and maps should be final and conclusive as to the extent and boundaries of the and conclusive as to the extent and boundaries of the proposed improvement, and that the part of Broadway thus laid out and established should be one of the public streets of the city in like manner and with the same offect as if it had been so laid out on the plan of the city under an act passed in 1807, entitled "An act relative to improvements touchung the laying out of streets and roads in the city of New York, and for other pur-

improvements touching the laying out of streets and roads in the city of New Fork, and for other purposes."

It also provided that any part of the street not embraced within the new lines be closed, and that the acts of the Legislature in force relating to the opening, widening and improving of streets in the city should apply to that part of Broadway fins law out, and to proceedings under the act so far as they were apolicable, and the act required the Corporation tounsel, when the Commissioners had field their maps and certificates, to take the proper steps on behalf of the city to acquire title to the lands needed, and for that purpose to apply to the Supreme Court at any special term thereof for the appointment of Commissioners of Estimate and Assessment who were authorized to assess upon the city such part of the expenses of the improvement as in their opinion would be just and equitable, not exceeding one-third of the whole, and to designate in their report, which was to be made within eight months after their appointment, the time for the opening of the street. The Commissioners then appointed were required to make a just and equitable estimate and assessment of the loss and damage, if any, over and above the toss and damage, as the case might be, to the respective icesses, occupiers or owners and permises required or affected by the proceedings, the assessment for function to interested in the lands and premises required or affected by the proceedings, the assessment to rounding and advantage, it is a substant to rounding the interested in the lands and premises required or affected by the proceedings, the assessment to rounding and advantage, it is a substant and assessment of the entry to the credit of the Sinking Fund, and that all other awards so the mix should be placed by the Chamberlain the Treasurer of the city to the credit of the Sinking Fund, and that all other awards should be made to the substant of Estimate were appointed.

the city) to the credit of the Sinking Fund, and that all other awards should be paid by him to the parties entitled thereto.

Under this act the measures authorized were taken, and three Commissioners of issumate were appointed by the Supreine Court, who made a report of their proceedings, which was confirmed by order of the Court on the 28 h of December, 1870.

The report included, among numerous other awards, an award of \$40,000 to the niaintiff, as his damages for taking a portion of a leasehold estate held by him on Broadway, and it fixed the time for the actual opening of the new street at the 31st of December, 1870. The set also provides that within this period, notwithstanding the pendeacy of the appeal, a motion might be made on behalf of the city to any dustice of the supreme Court at a special form or Chambers, to vacate the order, and made it the duty of the Court of Justice to hear the same, and declared that if it should appear that there was any error, mistake or irregularity, or illegal act in the proceedings at any stage, or that the assessments for benefit or the awards for damage, or either of them, had been unitar and unjust or inequitable and oppressive, as respects the city or any person affected thereby, the court or Justice should make the order of confirmation, which should then be void, and refer the matter back to new Commissioners, who should proceed to amond and correct the report and make the order of confirmation, which should then be void, and refer the matter back to new Commissioners, who should proceed to amond and correct the report and make a new assessment. In whole or in part, as the court or Justice Should direct.

Ender this act, upon notice to the parties interested, a motion was made on behalf of the city at a special lerin o

this motion afficavits were read and the parties were leard be counsel. The Court vacated the order of continuation and appointed new Commissioners to amount and correct the report and make a new award of saming and assessment. In its order vacating the confirmance and assessment. In its order vacating the confirmance and assessment. In its order vacating the confirmance and assessment for the order, the Court declared that it appeared that there had been error, mistake, irregularity and illegal arts in the proceedings and that the assessments for benefit and the award for damages had been untair, unjust inequilable and oppressive as respects the city and others.

The present action is brought to recover the amount of \$40,000 made to the plaintid abeging in his complaint the ownership of the leasehold estate taken, the proceedings for the estimate and assessment of damages, and the confirmation of the report by the supreme Court on the 28th of becember, 180th and insisting that by lorce of the act or the beginstance, and the strong that the fee of the property had vested in the City, and fine right to the payment of the award had the right to the payment of the award had in the confirmation of the property had vested in the City, and fine right to the payment of the award had not vested in the city, and that the payment of the proceedings by which the award was vacated, and desisted that the title to the propises mentioned had not vested in the city, and that the right to the payment of the lined States, in that it impairs the obligations of a contract and to title constitution of the lined States, in that it impairs the obligations of a contract and to the constitution of the lined States, in that it impairs the obligations of a contract and to the constitution of the Court overtice the demonstrate to the axes thouge and without the process of law.

The Court overtiled the demonstrate was also the contract the second of the contract to the same though to the payment to the detendance. The case thouge came bere

Superintendent Walling, assisted by Inspector rhorne and Drill Captain Copeland, who have been selected as aids, Inspectors bilas, McDermott and Speight will command the First, Second and Third battailons respectively. The route to be traversed is as follows:—

From Langette place, through Great Jones street, to the Edwary; down the Bowery to Canal street, through Canal street to Broadway, up Broadway to Chion square; thence up Fourth avenue to the Weaty-third street to Madison avenue, up Madison avenue to Thirty-fourth street, through Thirty-fourth street to Flith avenue, down Fith avenue to Seventeenth street and through Seventeenth street to the plaze of Union square.

It is expected time the procession will reach the latter place at four o'clock, where the force will be reviewed by the Mayor and Common Councit, the heads of the various departments and several other dignitaries who have been invited to be present.

LONDON GOSSIP.

The Chances of European War.

THE DOGS IN LEASH.

Bismarck's Mistake France's Opportunity.

THE COACHING CLUB'S TURN-OUT.

The Modern Babylon's Chit-Chat Odds and Ends.

LONDON, May 19, 1875. We have been on the very brink of a crisis. Ministers have fortunately been enabled to go away into the country for their Whitsuntide holidays with quiet consciences; but the shave has been remarkably close, and the danger may probably only be deferred. From what I have heard, on the highest authority, within the last lew days, I have not the slightest hesitation in informing your readers that a rupture between France and Germany was not merely imminent, but that the German troops were all ready to cross into French territory, and would nave done so.

The fons et origo of the bitter feeling prompting the war party at Berlin, of which he is the nead, is, undoubtedly,

PRINCE BISMARCK.

Under the mask of a rough, jovial and careless exterior this man-aptly named the "bully of Enrope"-is as craity as Machiaveill, as diplomatic as Taheyrand; while ne openly swaggers he is secretly scheming, and, though he prolessedly relies on the enormous amount of brute force at his command, he never for an instant neglects to avail himself of his large knowledge of the wileof statecraft or the power of intrigue. Quee, and once only, did he deceive himself and make a wrong forecast; but that was on a most important occasion, and the whole of Europe is reaping the fruits of it by being kept in a state of simmering expectation and anxious confusion ever since. That error of Bismarck's was his failure to perceive the wondrous VITALITY OF FRANCE

and the recuperative power of Frenchmen. At the close of the last war he imagined that France. with some of her most important lortresses wrested from her, with thousands of her best sons slain in her defence, torn with internal factions wrangling over her bleeding body, and oppressed by an enormous war indemnity demanded from her, was wholly crippled it not wholly crushed. The events of the last two or three years have proved the folly of his conjectures, and have shown him an entirely different state of things; the war indomnity has been paid off, and, though the silly partisans of the Comte de Champord and the Orieans family have from time to time bickered among themselves, the Republic would seem to be firmly established. There is not the slightest doubt that France is as rich, if not richer, than she was before she entered upon the last war, and it is admitted by all who have seen them that the French soldiery of the present day are more superior in drift and discipline than their predecessors of 1870. And all classes, from the highest to the lowest, are animated with one burning desire to regain the bonor which they have lost and the provinces which have been wrested from them. No one is more cognizant of this ALI-ABSURBING PASSION than Prince Bismarck himself. By the aid of that inteligence Department which he and Moltke have brought to such a pitten of perfection he is kept accurately informed of all that passes in France. And his spies do not him their reports to actions. They are careful to make themselves acquainted with the spirit which animates the Frence people, their hopes and dear, their tendences and desires. From this source, then, Bismarck is made aware that the resources of the army of France are growing year on year, that they have that an all masses in the province of the army of France are growing year on year, that to be firmly established. There is not the slightest

marck is made aware that the resources of the army of France are growing year by year, that they have but one aim and object, and that, unless speedy opportunity is taken to crush them, they will exceed even the enormous minitary array which Germany is prepared to put into the field. There is, toerefore, but one idea in Bismarck's mind—the necessity of speedly calling upon France to disarm, and, in the event of her refusal, once more to send the German armies across the Rhine. The

Capable of oreing any effective opposition to this scheme is Russia, and though the meeting of the two Emilerors has just had a pacific result it remains to be seen how long the influence of the Car will be sufficient to hold the dogs of war in their leash. There is no one who has such influence ewith the Emperor Alexander as his unclente Emperor of Germany; and good old Kaiser Witnelm, whatever he may think to the contrary, is but a plaything in Bismarck's hands. What may happen between France and Germany is practically immaterial to Russia. So long as ane is not disturbed in her plans of Eastern annexa-

may happen between France and Germany is practically immaterial to Russia. So long as sue is not designed in her plans of Eastern annexation she has no need to busy nersell with what occurs in Europe. During the Franco-Prussian war M. Inters and other French statesmen valuely noped to emist Russia's sympathies on the side of France; but the Emperor of the North looked camily on while France was writing under the heet of its German oppiessor. With this state of tungs in view it is evident that the rost of Europe must be deeply interested in ascertaining what France stoff the tung the rost of Europe must be deeply interested in ascertaining what franceston prevalent among the best informed circles in London is not a very reassuring one. It is firmly believed that while it was agreed advisable that all excernal signs of ritiation should be careally repressed, the two emperors in connecti with their principal advisers, Gorischanoff and Eismarck, came to the determination that France should be privately called upon to disarm and threatened in the event of her ensal with immediate invasion. It is believed in a small but excellently informed circle in London first this is what really transpired, and sit that the London Fines states about Lord Berby's naving addressed a despatch expressing a very decisive opinion with regard to the maintenance of peaces is looked upon as a harmless fiction. The best informed among Englishmen know, nough they

opinion with regard to the minitenance of peace is looked upon as a harmless fiction. The pest informed among Englishmen know, finding they perhaps would not be ready to admir it, that the doctrine of non-intercention has been carried so as as to render what we say or do of very little account in the councils of Europe.

I am afraid, from all I can hear, that England is not likely to be very largely represented at the PHIADELPHIA CESTENNIAL EXHIBITION.
Colonel Forney, who is a rare invorted with us, and who is managing matters with great courtesy and diplomatic skin, is, I understand, a little in despair at the turn which things are taking. English manufacturers decline to send their goods while having to pay the frightful tariff imposed on all imposted wares, and its urged, with posed on all imported wares, and it is urged, with much reason, that it is absurd to imagine that British manuscourers have such engerness to celebrate the Centennal of American Independence as to be willing to incur a financial burden, to relieve them of which the American celebrants possely but firmly decline. I amex some remarks from the Daily News of this day, which seem to me to be pecultarly apposite:—

In the proceedings to contemn property or public use there is nothing in the nature of a couract octawen the owner and the State of the Corporation which the state, take the property, all that the constitution of the classe of of the United states or justice required in such cases being that a just composation shall be made to the owner, his property can then be taken without his consequence of the United states or justice required in the composation to be made to the owners, of property taken her public use is in the nature of an inmost on the part of the State, and is under the control, and to secure a just estimate of the composation is a made, she can vacate or authorize the vacation of any inquest taken by her direction where the proceeding is able made, she can vacate or authorize the vacation of any inquest such methods of proceeding to a new inquest, provided such methods of proceeding the vacation of any inquest provided such methods of proceeding the such methods of proceeding the such and the composation is made of provided, the power of the state nor the matter is not ended.

THE POLICE PARADE.

The annual parade of the police force, which will take place this afternoon, will be, in point of numbers, one of the most imposing that has occurred for several years, as fully 1.500 memoers of the department will turn out in full dress uniform.

The line will form in Lafayette place at harf-past one o'clock and will march promptly at two o'clock. The entire force will be commanded by Superintendent Walling, assisted by Inspector fuorne and Drill Captain Copeland, who have been searched as aids, Inspectors bulks, Mobermatic and Speight will command the First, Scoola and Third backlein to the place, through Great Jones street, to the Bowery; down the Bowery to Canat street, though the place, through Great Jones street, to the Bowery; down the Bowery to Canat street, though the place, through Great Jones street, to the Bowery; down the Bowery to Canat street, though to the place, through Great Jones street, t

THE COACHING CLUB-A BOYAL PARTY'S ES-CAPE-THE PRINCE IN THE EAST-DR. WUNEAUX-CHIEF JUSTICE COCKBURN-COPY-BIGHT.

"The days go by and do not resemble each other," save in the multiplicity of their engage. ments and in the fact that they are all devoted to pleasure. The cold spring has departed and we

seem to have rushed into summer with a bound squares and parks are gay with flowering lilacs and chestnut trees, and London seems to be too full to hold another person. I never saw Hyde Park so crammed as it was on Wednesday last, on the occasion of the first public turnout this sea-

THE COACHING CLUB. The meet was at the magazine, on the banks of the Serpentine, and long before half-past four the appointed hour, the road was thronged with pedestrians and people on hurseback, and the police had hard work to keep the way clear for the splendid drags which came rolling in from every side to the rendezvous. Whether Mr. Chaplin is right in his assertion that the breed of porses is deteriorating in this country I know not, but it is certain that most of the teams which turned out on Wednesday last were much injerior to table I have seen on former occasions. The borses driven by the Duke of Beaufort may be named as an exception. The Duke is the President of the club, and, of course, took the lead in the procession of the twenty-eight coaches, which started pretty punctually to the time fixed upon-On the box at his left sat the Prince of Wales, looking in the best of health and spirits. Other notable teams were those of Mr. N. de Rothscutid. Mr. Murietta, Lord Carrington and Lord Cole. Old Ward, the well-known whip and teacher of driv ing, brought up the rear, with a coact and team of his own. The Princess of Wales in an open barouche, accompanied by two of her children, had palled up near the Marble Aren te see the couches pass, and they all saluted her as

they went by. It was intended that the members of the club should dine together at the Alexandra Palace, but only five of the coaches made their way so far out, the rest turning back and again appearing in the park, where they intensified the confusion already caused by the lines of the carriages, four abreast, slowly creeping from end to end of the drive. The Row, too, was full of eques--trians, for the weather has suddenly come in se hot that people find it impossible to ride to the glare of the noonday sun, and prefer waiting until the evening, when there is some grateful shade. The Princess of Wales drives regularly, and so, since her return to town, does the Duckess of Edinburgh. But there is a very great difference in the reception accorded to the two ladies, the NARROW ESCAPS OF A BOYAL PARTY.

The reverse of gracious.

NARROW ESCAFE OF A ROYAL PARTY.

Apropos of royal personages, the Princess of Wares and her children had a narrow escape the other cay, when travelling from Lons on to Windson. A builet discharged, it is supposed, from a cataonit, snattered the take Blate glass winnow of the royal saloon, and was picked up by Frince Albert Victor. It is not beneved to have been a case of wilmi assault—promotify the foolish trick of some Sily school boy, who ought to have his folly taken out of him by a good forging with a birch rod. This said birch rod was ordered to be applied to the boy O'Connor, who, some two years since, struck at the Queen, but that part of maken and the was been enced to Australia, whence he has returned lie was bound on the occasion of the last drawing room, by a detective, prowing about the gates of Buckingham lained at the exact shot where he made at the exact shot where he made not previous attempt, and being recognized was at once arrested. A medical examination has proved that he is laboring under homicidal and succidal manna, and maidea was, after letting the Queen see him, to take away his life by throwing immeet under the wheels of her carriage. The poor wretch has been removed to Hanwell, and will be taken care of lot the rest of his days.

wheels of her carriage. The poor wretch has been removed to Hanwell, and will be taken care of not the rest of his days.

THE VISIT TO INDIA.

Still taiking of royal personages, I must mention that when it was understood that the Prince of that when it was understood that the Prince of the visit to india was defluitely settled, that very outspoken journal, the Loudon World. In an article gave the Prince the greatest credit for his many good qualities, but connection in the choice of his fellow traveliers. The genial spirits of the club smoking room were all very well, it said, in their place, but better men were needed as the Prince's companion on such atour. "In fact," said the Loudon World, "it is advisable that he be prepared if needs be to lorgo the sweets of society, even of NSM. Bardolph and P stol, and to take Chie. Justice Gascoyne into his confidence and in intimacy," The Prince seems to have taken this advise in good part, for I understand he has requested the Dake of sutherland to accompany him to India. There are few men better calculated for the post of Mentor. The Duke of Sutherland to accompany him to India. There are few men better calculated for the post of Mentor. The Duke of Sutherland is a man in the prime of inludic age, who has seen a great deal of the world, has large views of all matters and is eminently trank and outspoken. More than once before this has ne been called upon to give advice to the Prince on delicate subjects, and he has never restrated in Speaking his mind. His companionship would be most valuable to the Prince, and the knowledge that he is going on the expedition will be very well received by the beople of England. Though. Though.

Though.

DR. KENEALY
has not been heard of for some time in Parliament, he would still seem to be irrepressible. We are threatened with another member of the immily in our Senate, the Doctor's son, Mr. Ahmed having issued his address to the electors of Norwich, where there is a vacance, and being, it is said, determined to stand. The Mayor of Norwich has refused the Doctor and his son the use of St. Addrew's Hall for public meetings, and they have consequently called their supporters together in various small public notices. It is not

with has refused the Doctor and his son the use to St. Andrew's Hail for public meetings, and they have consequently called their supporters together in various small public acuses. It is not supposed that young Kencaly has much chance, but the folly of the public is beyond calculation, and no one can speak with certainty of the result. CHIEF JUSTICE COCKBURS.

While upon the Kencaly subject I may remark that I dined last week at a grand, banquet in the city, given by the Needlemakers' Company, at which the neather the the Lord Chief Justice, who was present, was drunk, and an allusion made to the commise by which he has been assained to the commise of the Englishman. I have had the neutor of a personal acquamitance with Sir Alex ander tockbur her many years, but I never saw him before so completely touched. The teatrified down his cheeks and his voice was proxen with canotion when he first stood up to return me thanks. He made a beautiful speech, a most telling point in when he first stood up to return me thanks. He made a beautiful speech, a most telling point in when was his recognition of the good feeling which, nowever wrong it might be prompted the poor deluded people, that is to say, the lower classes, to esponse the cause of a mass whom they beleved to be suffering under aristo cratic tyranny.

COTYRIGHT.

The copyright question is owing ventilated, and this week Mr. District received a deputation of authors at his official residence in Downing street. Mr. Charles Rende was there, long-winded and persuserive for the wrongs he has suffered at the banks of privates. Nor was the remail and an appear of the personal decent of the wrongs he has suffered at the banks of pirates. Nor was the remaile element wanting, Mrs. Braddon was there, and Mrs. Lynn Linton, who wrote the "Girl of the Period" in the subject of the wrongs he has suffered at the banks of pirates. Nor was the temale element of pirates. Nor was the temale element of pirates. Nor was the remaile recomment to pirates. Nor was the remailer of the

CAPTURE OF A BURGLAR.

Between two and three o'clock yesterday moraing Officer Armstrong observed a suspicious-look ing man passing along Grove street, Jersey City toward the Eric Railway. The officer, hiding be hind a large tree, was not seen by the man. quietly followed on the stranger's track till be came to Officer Jackman's post. Both officers came to Officer Jackman's post. Both officers moved cautiously along till they heard the sound of failing glass, when they rushed up and caught the man. He had smashed in the glass of Mr. John Kuniz's store, No. 442, and used taken out some pieces of cloth. Finding himselin the toils he dropped some implements through the toils he dropped some implements through the toils he dropped some implements through the drawing her through the drawing himseling soveral keys and a steel dramabel for cutting glars. Proofs were soon adduced that he was the linet who robbed the store of Musanizer & Co. on Pavonia avenue last week. Some of the storen property was found in his possession, and was miny identified. Captain Van Kiper, of the Second precines, says he will be able to trace many of the lase robberies to this man, who gives his name as John Morgan, twenty-one years of age and a mative of Philadelphia.

About four o coex yesterday morning a similar attention.

native of Philadelphia.

About four o coex yesterday morning a similar attempt was made to rob the store of Jaseph Ryan, in berger avonce, near Fairmount avenue. Jersey City. The trief broke a large pane of glass in the window of the store, and was groping through the hole for pieces of cloth when one of the workmen, who was awakened of the noise, jumped toward the window, and the rooter ned.

SHOOTING AFFRAY.

At about one o'clock yesterday afternoon s family quarrel took piace between Jone Lees aged sixty-five years, residing at the corner of Eighty-sixth street and the Bonlevard, and his son-in-law, Peter Dorbe, aged lorty years, of No. 287 Inited avenue, ouring which Lees drew a pisto and fired two shots at Borbe, one of the Datataking effect in the left spondier, inflicting a vory severe, but not necessarily fatal, would. The injured man was removed to the Minety-hinth Street Reception its outline, where his wounds were aressed, and Lees was arrested and locked up.